

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TRINA F. COLON,

Plaintiffs,

vs.

ONEWEST BANK, FSB, *et al.*,

Defendants.

Case No. 2:12-CV-01356-JCM-PAL

**ORDER**

Presently before the court is plaintiff Trina Colon's emergency motion for limited stay of proceedings in justice court. (Doc. #9). Colon filed the instant motion in this court on August 9, 2012. (Doc. #9). The motion seeks an order from this court staying justice court case number 12C003781. (Doc. #9).

Deutsche Bank National Trust Company filed an unlawful detainer complaint against Colon in justice court case number 12C003781. (Doc. #9, Ex. 1). Colon filed the instant case in state court on June 6, 2012. (Doc. #9). Defendant Land Title of Nevada, Inc. removed this case to this court on July 31, 2012. (Doc. #1).

This court does not have authority to enjoin the justice court in case number 12C003781. The Anti-Injunction Act, 28 U.S.C. § 2283, prohibits federal courts from enjoining state court proceedings unless one of three exceptions applies: (1) where the injunction is expressly authorized by an act of Congress, (2) where it is necessary in aid of the federal court's jurisdiction, and (3) where an injunction would protect or effectuate the federal court's

1 judgments. *See also United States v. Alpine Land & Reservoir Co.*, 174 F.3d 1007, 1014 (9th  
2 Cir. 1999). “[I]t has long been held that the first court to exercise jurisdiction over real property  
3 is entitled to enjoin proceedings in another court regarding that property.” *Id.* However, “[a]ny  
4 doubts as to the propriety of a federal injunction against state court proceedings should be  
5 resolved in favor of permitting the state courts to proceed . . . .” *Atlantic Coast Line R. Co. v.*  
6 *Brotherhood of Locomotive Engineers*, 398 U.S. 281, 297 (1970).

7 It is clear that neither the first nor the third exception to the Anti-Injunction Act applies in  
8 this case. Colon has not pointed to any act of Congress that would authorize this court to enjoin  
9 the state court proceedings. (Doc. #9). Further, this court has not entered a judgment in the  
10 instant case, so there is no judgment from this court which an injunction could protect or  
11 effectuate. *See Brother Records, Inc. v. Jardine*, 432 F.3d 939, 942 (9th Cir. 2005) (stating that  
12 this exception is grounded in the concepts of res judicata and collateral estoppel).

13 Similarly, the court does not have authority to enjoin the justice court proceedings under  
14 the second exception to the Anti-Injunction Act. Regardless of whether the instant suit is  
15 characterized as a proceeding *in rem* or *in personam*, *see Chapman v. Deutsche Bank National*  
16 *Trust Co.*, 651 F.3d 1039, 1044 (9th Cir. 2011) (stating that this is an open question under  
17 Nevada law), this court did not assume jurisdiction over the instant case until after the justice  
18 court exercised jurisdiction in case number 12C003781.

19 This court assumed jurisdiction over the instant lawsuit on July 31, 2012, when defendant  
20 Land Title of Nevada, Inc. removed the case to federal court on July 31, 2012. *Chapman*, 651  
21 F.3d at 1044 (stating that jurisdiction attaches when defendants filed a notice of removal). Even  
22 if the court uses the date the complaint was filed in state district court, June 6, 2012, the justice  
23 court exercised jurisdiction prior to any exercise of jurisdiction in this case. (Doc. #9).

24 Therefore, the justice court exercised jurisdiction prior to this court’s assumption of  
25 jurisdiction, and this court does not have the authority to enjoin the state court proceedings  
26 regarding this real property. *See Alpine Land & Reservoir Co.*, 174 F.3d at 1014.

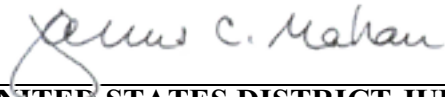
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1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Colon's emergency  
3 motion for limited stay of proceedings in justice court (doc. #9) be, and the same hereby is,  
4 DENIED.

5 DATED this 10<sup>TH</sup> day of August, 2012.

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8 UNITED STATES DISTRICT JUDGE